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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,456	06/15/2000	Shawn D. Abbott	30074.27US11	8669

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,456

Applicant(s)

ABBOTT ET AL.

Examiner

Jenise E. Jackson

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 10, 16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, 11-15, 17-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson(EP 0936530) in view of Gabrielle.

3. As per claim 1, Benson discloses a compact personal token(i.e. dongle, 1101)(see col. 24, lines 8-10), a host processing device(vcs, virtual smartcard server)(see col. 23, lines 20-21, see fig. 1, pg. 15) an operating system; a smartcard processor having a smartcard processor-compliant interface for communicating according to a smartcard input and output protocol, and interface processor(see col. 6, lines 38-45, 56-58, col. 7, lines 1-5), a smartcard processor-compliant interface, the interface processor implementing a translation module for interpreting messages into smartcard processor-compliant messages(see col. 4, lines 4-23, col. 24, lines 8-16).

4. Benson does not disclose an USB-compliant interface; however, Gabrielle teaches an USB-compliant interface, such as a USB port. It would have been Obvious to one of ordinary skill in the art to include the USB-compliant interface of Gabrielle in the Benson system, the motivation to have a USB-compliant interface is that USB can transfer data quicker than a serial or parallel port, and is "hot swappable" plug-and-play, allowing consumers to alter the configuration of their computers without using ports specific to any one peripheral; up to 127

Art Unit: 2131

devices can be daisy-chained using USB ports, including parallel device that can be link to a USB port via a dongle device.

5. As per claim 2, Benson discloses the interface processor emulates a smartcard reader to the smartcard processor(see col. 3, lines 22-26, col. 4, lines 14-23, col. 6, lines 38-41).

6. As per claim 3, Benson discloses the host processing device includes a virtual smartcard reader in communication with the operating system(see col. 4, lines 14-23), the virtual smartcard reader for emulating a smartcard reader communicatively coupled to the host processing device(see col. 6, lines 39-44) and including a communication module for packaging messages for transmission to the personal token via the compliant interface according to a first protocol, the Examiner asserts that Benson inherently discloses this, because Benson discloses a virtual smart card reader that is a virtual hardware acting as a emulator that passes information to and from a virtual smart card(see col. 9, lines 38-41) and for unpackaging messages received from the personal token via the compliant interface according to the first protocol, and the interface processor translation module unpackages messages from the host processing device according to the first protocol(see col. 24, lines 8-16).

7. As per claims 5, 11, Benson inherently discloses wherein the virtual smartcard reader includes an answer-to-reset module for providing an ATR message to the operating system in response to a reset message, because Benson discloses a smart card(see col. 7, lines 49-51, col. 24, lines 42-47). The Examiner asserts that smartcards have answer-to-reset module.

8. As per claims 6, 12, 17, wherein the virtual smart card reader includes a reporting module for receiving and reporting the insertion of the personal token(see col. 24, lines 8-14), communicatively coupled to the host processor and the removal of the personal token as a

Art Unit: 2131

removal of a smart card from a smart card reader(see col. 13, lines 41-53, col. 23, lines 35-37, col. 24, lines 18-22).

9. As per claims 7, 13, 18, Benson inherently discloses wherein the virtual smart card reader includes a protocol selection module for receiving a protocol type selection command from the operating system and providing a PTS response message to the operating system, because Benson discloses that the virtual smart card can be inserted into different machines(see col. 3, lines 30-37). Therefore, the Examiner asserts that since Benson discloses that the virtual smart card can be inserted into different machines, that there is a protocol selection module.

10. As per claim 8, Benson discloses a processor, a memory, communicatively coupled to the processor, the memory storing processor operating commands implementing an operating system, and a virtual smart card reader module stored in the memory and in communication with the operating system, for emulating at least one smart card reader to the operating system(see col. 6, lines 39-41, col. 7, lines 33-45). First, a communication module is inherent in Benson, because information is passed to virtual smart card reader from the virtual smart card(see col. 6, lines 38-45). The Applicant is also urged to look further down column six. Benson discloses the virtual smart card stores protected information, such as digital signature. When the virtual smart card is inserted, the virtual smart card server downloads the protected information, thus there is a communication module in Benson(see col. 6, lines 48-58, col. 7, lines 1-5, col. 9, lines 38-41).

11. As per claim 14, rejected under limitations already addressed(see claim 1 and 3).

12. As per claim 15, rejected under limitations already addressed(see claim 1 and 3).

13. As per claim 19, Benson discloses a virtual smart card reader emulator system, a first smart card reader emulator, implemented in a host computer for emulating smart card reader

Art Unit: 2131

operations to the host computer(see col. 3, lines 29-35); and a second smart card reader emulator, implemented in a personal key, for emulating smart card reader operations to a interface-interface compliant personal key processor(see col. 4, lines 14-23, col. 24, lines 8-16).

14. Claims 4, 10, and 16 are allowable for the features of, a boot up module for responding if a smartcard reader is coupled to the host processor. Prior art of record, Benson does not disclose a boot up module for responding if a smartcard reader is coupled to the host processor, Benson discloses that a dongle is coupled to the computer the smartcard program boots.

Response to Amendment

15. Claims 4, 10, and 16 are allowable for the features of, a boot up module for responding if a smartcard reader is coupled to the host processor. Prior art of record, Benson does not disclose a boot up module for responding if a smartcard reader is coupled to the host processor, Benson discloses that a dongle is coupled to the computer the smartcard program boots.

16. The Applicant states that Benson nor Gabrielle Mitchell disclose a smartcard processor. Benson does disclose a smartcard processor, because Benson discloses a virtual smartcard reader that reads a virtual smartcard, thus in order to be able to read the information of the virtual smartcard a smartcard processor is present(see col. 6, lines 38-45). If the Applicant wishes to claim a more specific limitation in regards to the smartcard processor the Applicant is urged to do so.

17. The Applicant states that Benson does not disclose a token including an interface processor and a translation module, which interprets USB-compliant messages into smartcard processor-compliant messages and interprets smartcard-compliant messages into USB-compliant

Art Unit: 2131

messages. The Examiner disagrees with the Applicant. Benson discloses a token(i.e. dongle) that boots when the dongle is attached, and this boot the virtual smart card program, these are messages that are sent to the computer, to determine if and when the dongle is attached, inherent that the dongle uses USB(see col. 24, lines 8-16).

18. The Applicant states that Benson does not disclose a virtual smartcard reader having a communication module packaging smartcard compliant commands to a personal token. The Examiner disagrees with the Applicant. First, a communication module is inherent in Benson, because information is passed to virtual smart card reader from the virtual smart card(see col. 6, lines 38-45). The Applicant is also urged to look further down column six. Benson discloses the virtual smart card stores protected information, such as digital signature. When the virtual smart card is inserted, the virtual smart card server downloads the protected information, thus there is a communication module in Benson(see col. 6, lines 48-58, col. 7, lines 1-5, col. 9, lines 38-41).

19. As per claims 14, and 19 the Applicant remarks that the claim limitations are not taught by Benson nor Mitchell Applicant's is unpersuasive, because Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Final Action

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2131

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/594,456

Art Unit: 2131



April 28, 2005

Page 8



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